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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN E RICHARDS and SUSAN L
RICHARDS, husband and wife,

Plaintiffs,

v

NAVEEN JAIN and INFOSPACE, INC ,

Defendants

NO C00-2140Z

**DEFENDANTS' MOTION TO
DISQUALIFY**

NOTE ON MOTION CALENDAR:

July 27, 2001

Defendant InfoSpace, Inc ("InfoSpace") hereby moves to disqualify Hagens Berman LLP as counsel for plaintiffs John and Susan Richards in this action. This motion is made on the basis that, unbeknownst to InfoSpace, Hagens Berman has had unauthorized and unrestricted access to thousands of confidential and privileged e-mail communications between InfoSpace and its legal counsel Mr Richards, a Vice President of InfoSpace, admitted in his deposition that almost a year ago he delivered a CD-ROM to Hagens Berman that contained a vast quantity of privileged communications between himself, acting in his



DEFENDANTS' MOT

CV 00-02140 #00000046

[28096-0056/SL011920 044]

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1 corporate capacity, and InfoSpace's in-house and outside legal counsel InfoSpace holds the
2 privilege as to all those communications, and has not waived that privilege Many of those
3 communications related to claims against InfoSpace which are now relied upon by plaintiffs in
4 support of their claims in this case The CD-ROM also contained other highly confidential
5 information that has no relevance to this lawsuit
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8 Without informing anyone, Hagens Berman has been in possession of the CD-ROM
9 since the summer of 2000--several months before this action was filed No effort was made to
10 notify InfoSpace that it possessed its privileged materials Instead, Hagens Berman proceeded
11 to search the CD-ROM in an effort to locate evidence to support plaintiffs' claims After the
12 Complaint was filed, instead of disclosing that they had access to InfoSpace's privileged
13 communications, plaintiffs' counsel moved for a protective order to delay Mr Richards'
14 deposition after he was placed on administrative leave and his InfoSpace computer was
15 retained by InfoSpace The basis of the motion for protective order was that Mr Richards
16 needed to have "access" to the e-mail on his computer to prepare for his deposition In fact,
17 as he ultimately admitted in his deposition, he had already delivered a copy of all his e-mail to
18 Hagens Berman before filing his lawsuit
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21 The undisputed facts are that InfoSpace's attorney-client privilege has been violated
22 and there is no way to "undo" plaintiffs' counsel's unrestricted access to literally thousands of
23 confidential and privileged e-mail communications over the past ten months The only way to
24 protect InfoSpace is to remove counsel from further prosecuting this case
25
26

27 This motion is based on this Notice of Motion, the accompanying Memorandum in
28 Support, the Declarations of Harry H Schneider, Jr , Sandra L Williams (previously filed on
29 3/5/01), Robert Mittenthal, and Joseph McMillan, and the pleadings and files herein A
30 proposed Order also accompanies this motion
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1 DATED July 12, 2001
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By 

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Attorneys for Defendants Naveen Jain and
InfoSpace, Inc